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Attorneys for Plaintiffs

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 JOSE ALVARADO, JIMENA
15 ALVARADO, ERIKA ALVARADO, and
16 MARCOS ALVARADO, in each case
17 individually and as successor in interest to
18 Delfino Avila, deceased,

18 Plaintiffs,

19 v.

20 CITY OF SAN BERNARDINO; and
21 DOES 1 through 10, inclusive,

22 Defendants.
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Case No.: 5:24-cv-00088-JGB-SHK

District Judge Jesus G. Bernal
Magistrate Judge Shashi H.
Kewalramani

**JOINT STIPULATION TO ALLOW
PLAINTIFFS TO AMEND
COMPLAINT TO NAME THE
INDIVIDUAL OFFICERS IN PLACE
OF DOE DEFENDANTS 1-2**

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26 **TO THIS HONORABLE COURT:**

27 **IT IS HEREBY STIPULATED** by and between Plaintiffs JOSE
28 ALVARADO, ERIKA ALVARADO, and MARCOS ALVARADO, and Defendant

1 CITY OF SAN BERNARDINO (“the Parties”), by and through their respective
2 attorneys of record, as follows:

- 3 1. Plaintiffs filed their Complaint on January 16, 2024. At the time of the
4 filing of their Complaint, Plaintiffs were genuinely ignorant of the names
5 of the City of San Bernardino Police Department employees and/or
6 individuals who used force during the incident giving rise to this lawsuit.
7 Subsequently, through counsel’s meet and confer efforts and discussions
8 regarding the case, Plaintiffs have discovered information that Officers
9 Zack Ewing and Carla Gutierrez are the City of San Bernardino Police
10 Department employees who used force against the decedent during the
11 incident giving rise to this lawsuit.
- 12 2. The Parties agree that Plaintiffs may file an amended complaint for the
13 purpose of naming Officers Zack Ewing and Carla Gutierrez as individual
14 defendants. A copy of Plaintiffs’ proposed First Amended Complaint
15 (redlined) is attached hereto as “Exhibit A.” A copy of Plaintiffs’
16 proposed First Amended Complaint (clean) is attached hereto as “Exhibit
17 B.”
- 18 3. Counsel for the City of San Bernardino agrees to accept service of the First
19 Amended Complaint on behalf of the City of San Bernardino and the
20 individual defendants.
- 21 4. Plaintiffs shall have 7 days to file their First Amended Complaint after the
22 Court grants them leave. Defendant City of San Bernardino shall have 21
23 days thereafter to file a responsive pleading.

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25 IT IS SO STIPULATED.
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DATED: September 27, 2024 **LAW OFFICES OF DALE K. GALIPO**

By: s/ Renee V. Masongsong
Dale K. Galipo
Renee V. Masongsong
Attorneys for Plaintiffs

DATED: September 27, 2024

By: s/ Scott Carpenter
Scott J. Carpenter
Steven J. Rothans
Attorneys for Defendant
City of San Bernardino